

REMARKS

Claims 1-12 are currently pending in the application. Claims 1-5 have been withdrawn from consideration and claims 6-12 stand rejected. Applicants have amended Claims 6-11 herein and canceled Claim 12 without prejudice. Applicants are also submitting a new Claim 13. Reconsideration of the above-referenced application is respectfully requested.

Claim 11 is objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. Presently amended Claim 11 now refers only to Claim 6. Applicants respectfully submit that Claim 11 now conforms with the requirements of M.P.E.P. § 608.01(n) and request reconsideration of the objection under 37 C.F.R. § 1.75(c).

Claims 6-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 6 was objected to because the limitation “the ingredients transportation conveyer,” lacks antecedent basis. Also, in Claim 12, the Examiner asserted that it was not clear whether the limitation “by means of temperature sensor” was the same as the limitation “temperature sensor” of the independent Claim 6. Applicants respectfully submit that the deletion of Claim 12 makes the objection thereto moot. As to Claims 6-11, Applicants submit that the amendments submitted herein have overcome the objections to those claims; therefore, reconsideration of the objections thereto, under 37 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 6, 9, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crain (U.S. Patent No. 1,632,176, hereinafter “Crain”) in view of

Pfleiderer et al. (U.S. Patent No. 505,175, hereinafter "Pfleiderer") and Wrasse (U.S. Patent No. 5,176,124, hereinafter "Wrasse").

Applicants respectfully submit that Crain, Pfleiderer, and Wrasse, individually or in any combination thereof, do not support a *prima facie* case of obviousness of the invention recited in the presently amended independent Claim 6. This is so because, even when combined, these prior art references do not teach or suggest all of the claim limitations recited therein.

Independent Claim 6 recites a forge for preparing charcoal grilled foods comprising a forge conveyer to horizontally transfer a pile of burning charcoals through the forge, at least one temperature sensor located between the leading and trailing edges of the forge conveyer to detect the heating power inside the forge, at least one variable output air blower for supplying combustion air to the pile of burning charcoals on the bases of the detected heating power inside the forge, and a transportation conveyer to hold and transport the foods being grilled by the burning charcoals.

As described in the specification, regulation of the airflow being supplied by the variable blowers on the basis of the detected heating power sensed by means of the temperature sensors results on a more uniform and improved grilling of the foods on the transportation conveyer (Specification, page 7). Presently amended Claim 6 now more clearly recites these aspects of the claimed invention.

Turning the attention now to Crain, that prior art reference discloses an oven supported above a fire of burning charcoals transported by a conveyer belt 27. In Crain, there is no contact of the flames with the cooking foods because of the presence of a baffle 34. The Examiner acknowledges that Crane does not teach a temperature sensor, a transportation conveyer, and an air blower.

Pfleiderer discloses an oven with a baking plate or surface where the material to be baked may be placed and, after baking, removed without withdrawing such plate or surface from the oven. The Examiner cites Pfleiderer as disclosing "an apparatus comprising a chain, ingredients conveyor."

Wrasse discloses a barbecue oven consisting of a base canister 18, an oven enclosure 13, an oven cover 12, and a small central cover 10 with a handle 28. Central cover 10 may be removed to add fuel to the fire box and adjusted to control the draft of air flowing through the barbecue. A constant air draft is produced by blower 21 attached to the side of the base canister 18 (Wrasse, col. 2, lines 51-60). An additional method for controlling the temperature within oven 40 is provided by a damper plate 16 at the side of blower 21. Damper plate 16 is rotatable to control the size of the air passage way into opening 56, thus providing a way for the manual adjustment of the amount of air passing through the barbecue oven (Wrasse, col. 4, lines 6-29).

The Examiner cites Wrasse as teaching an apparatus comprising an air blower and a temperature sensor. Applicants respectfully submit Wrasse does not disclose the limitation of at least one temperature sensor located inside of the barbecue oven to detect the heating power thereon with at least one variable output air blower for supplying combustion air to the pile of burning charcoals on the basis of the detected heating power in the oven.

In addition, Applicants respectfully submit that the combination of Crain in view of Pfleiderer and in further view of Wrasse do not remedy the lack of teaching or disclosure related to the temperature sensor to detect the heating power inside of the forge and the variable air blower for supplying air on the base of the detected heating power as just noted. Therefore, Crain, Pfleiderer, and Wrasse, individually or in any

combination thereof, do not make obvious the invention recited in the presently amended Claim 6. Furthermore, Claim 9 is allowable, among other reasons, as depending directly from claim 6, which is allowable. For the foregoing remarks, Applicants respectfully request that the Examiner withdraw the rejection of Claims 6 and 9 under 35 U.S.C. § 103(a).

Claims 7, 8, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crain in view of Pfleiderer and Wrasse, as to claims 6 and 9, and further in view of Nalbach (U.S. Patent No. 2,390,455, hereinafter "Nalbach"). The Examiner cites Nalbach as a reference disclosing "an apparatus comprising a mesh or net conveyor." In addition, Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crain in view of Pfleiderer and Wrasse, as applied to claims 6 and 9, and further in view of Harris (U.S. Patent No. 3,897,722, hereinafter "Harris"). The reference Harris is cited only for teaching "a cooking device comprising a brush for applying sauce."

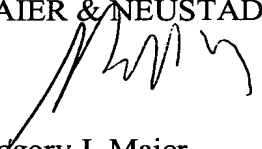
Both Nalbach and Harris are silent with regards to a temperature sensor to measure the heating power inside of a forge and a variable output air blower controlled on the basis of that detected power. Therefore, Nalbach and Harris, being cited for the disclosure of an apparatus comprising a mesh or net conveyer and a cooking device comprising a brush for applying sauce, respectively, do not remedy the above-noted deficiencies of Crain, Pfleiderer, and Wrasse. For this reason, Applicants respectfully submit that Crain, Pfleiderer, Wrasse, Nalbach, and Harris, individually or in any combination thereof, do not support a finding of obviousness of the invention recited in Claims 7, 8, 10, and 11 and respectfully request that the Examiner withdraw the rejection of those claims under 35 U.S.C. § 103(a).

Finally, Applicants have submitted herein new Claim 13, which is supported by subject matter disclosed on page 3, lines 24-25 of the Disclosure. This new claims recites the limitation that the charcoal grilled forge has its heating power regulated constantly. Because Claim 13 incorporates by reference all of the limitations of Claim 6, in view of the above-presented remarks, Applicants respectfully submit that new Claim 13 is allowed over Crain, Pfleiderer, Wrasse, Nalbach, and Harris.

Applicants respectfully submit that Claims 6-13 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.



Grégory J. Maier
Registration No. 25,599
Attorney of Record
Robert T. Pous
Registration No. 29,099



22850

Tel. No.: (703) 413-3000
Fax No.: (703) 413-2220

GJM:RTP:MQM:psn
I:\ATTY\MQM\211205US\211205US AM.DOC